

ATTORNEY DOCKET NO
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8

PATENT
U.S. 09/707,875**Remarks/ Arguments**

In response to the Office Action mailed March 23, 2004, Applicants respectfully request that the Examiner reconsider the rejections of the claims.

Claims 2, 16, and 22 have been amended to correct informalities.

Claim 23 has been amended to include the subject matter of former Claim 24 and Claim 24 has been cancelled.

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Uramoto* (U.S. Patent 5,910,904) (hereinafter "the *Uramoto* reference"). Applicants respectfully traverse these rejections.

Anticipation rejections under 35 U.S.C. §102 require identity of invention. In other words, the Examiner has the burden of identifying, *prima facie*, each and every feature of each and every claim rejected as anticipated in a single prior art reference. The Examiner has failed to meet this burden with regards to the anticipation rejections of Claims 1 – 23, and 24 – 30.

In contrast to the Examiner's assertion, the *Uramoto* reference does not teach, as required by Claims 1-30, summing contributions from a plurality of filtered frequency components of an audio signal and an unfiltered component of the audio signal to generate a composite audio signal of a selected gain-frequency response.

The digital filters 3La and 3Lb shown in FIGURE 1, and digital filters 3Ha and 3Hb shown in FIGURE 2, of the *Uramoto* reference, are high and low frequency embodiments of the same filter structure. In each case, the output summer only sums a *single* filtered frequency component output from the dual-filter quadratic infinite impulse response (IIR) filter path with the output of parallel all-pass filter path. In other words, neither of the filter structures sums a plurality of filtered frequency components along with an unfiltered component to generate a composite signal.

When used together to form an equalizer (i.e. multiple tone controls), as shown in FIGURES 3 and 6, the filter structures of FIGURES 1 and 2 of the *Uramoto* reference

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ATTORNEY DOCKET NO
1059-CA

9

PATENT
U.S. 09/707,875

are utilized in *serial*. In other words, the signal outputs of the two filter structures are cascaded, rather than summed to generate a composite signal.

In sum, since the *Uramoto* reference does not teach the identical invention, namely digital tone controls in which the contributions from a plurality of filtered frequency components of an audio signal are summed, along with an unfiltered component of the audio signal, to generate a composite audio signal, the anticipation rejections of Claims 1 – 23, and 25 – 30 under 35 U.S.C. §102 must be withdrawn.

No new matter has been added; the claims have been merely amended to more particularly claim the subject matter Applicants believe is inventive. Applicants respectfully submit that the Claims as they now stand are patentably distinct over the art cited during the prosecution thereof.

Applicants respectfully request a First Month Extension of Time to File this Response. Accompanying this response is Form PTO/SB/22 with Extension Fees in the amount of \$110.00 as reflected on the PTO/SB/17 Fee Transmittal.

Also, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 20-0821 of Thompson & Knight LLP.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969 - 1749.

Respectfully submitted,

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